

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

United States Court  
Southern District of Texas  
FILED

JUL 10 2017

David J. Bradley, Clerk of Court

\_\_\_\_\_  
STATE OF TEXAS, *et al.*,

Plaintiffs,

CASE No. 1:14-CV-00254

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.  
\_\_\_\_\_

**AMICI CURIAE BRIEF, OF WILLIAM F. READE, JR. WHO IS  
FILING IN ORDER TO STOP THE UNLAWFUL AND  
UNCONSTITUTIONAL ACTS OF THE GOVERNMENT AGENTS,  
ELECTED, AND APPOINTED, IN ACCORDANCE WITH MY  
OATH AS AN OFFICER OF THE UNITED STATES ARMY.**

**ARTICLE VI OF THE CONSTITUTION IS OUR SUPREME LAW  
AND IT MUST BE ADHERED TO.**

**MOTION FOR CONSIDERATION OF AMICI CURIAE BRIEF**

\_\_\_\_\_  
William F. Reade, Jr. LTC USA (Ret)  
24 Wildflower Lane  
Yarmouth Port, MA 02675-1474

"Pleadings in this case are being filed by Plaintiff in Propria Persona, wherein pleadings are to be considered without regard to technicalities.

Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11thCir1990), also See Hulsey v. Ownes 63

F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 10th Cir. 1991)." .

It is necessary that I submit for consideration in this instance the following for consideration in the Order entered on June 29, 2017:

U.S. Constitution Article VI:

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

First, it states that any and all engagements made, treaties, trade etc. are still valid unless mutually dissolved.

Second, all laws made, and treaties made with other nation states are binding on all citizens as is all of the Constitution itself.

Third, all elected and appointed officials must comply with all that is stated under penalty of violating their oath of office.

Forth, nowhere in the Constitution or laws has the power to grant "Amnesty", been mentioned or delegated, it therefore is prohibited to the government and retained by the people.

Reflecting on this Constitutional article and it's far reaching impact on the international laws, and treaties on citizenship and nationality, as well as the nation to nation treaties respecting the same, citizenship and nationality.

Any and all persons failing to comply or acting against the requirements covered in article VI is committing Treason.

### **Why the Children of Aliens cannot be born or made Citizens:**

#### **XIV Amendment Sec. 1**

All persons born **or** naturalized in the United States, and **subject to the jurisdiction** thereof, **are citizens of the United States** and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**

### **ARTICLE 6, Clause 2, LAWFUL UNITED STATES CONSTITUTION:**

"**THIS CONSTITUTION**, and the laws of the United States of America which shall be made in pursuance thereof; **and all treaties made**, or which shall be made, under the authority of the United States of America, **SHALL BE THE SUPREME LAW OF THE LAND**; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding." ...

Under **Sec. 1992 of U.S. Revised Statutes** the same Congress who had adopted the Fourteenth Amendment, confirmed this principle: "**All**

**persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of-----“.**

Chairman of the House Judiciary Committee (39th Congress), James F. Wilson of Iowa, added on March 1, 1866:

“We must depend on the general law relating to subjects and citizens **recognized by all nations for a definition**, and that must lead us to the conclusion that every person born in the United States is a natural-born citizen of such States, **except** that of children born on our soil to **temporary sojourners or representatives of foreign Governments.**”

Framer of the Fourteenth Amendments first section, John Bingham, said **Sec. 1992 of U.S. Revised Statutes** meant: “every human being **born within the jurisdiction** of the United States of parents **not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen.**”

I will at this time add one more bit of proof on which you may choose to act and end this **NOW: Ignorantia juris non excusat:**

### **FIRST CONGRESS . Sess.II. Chap. 3. 1790**

#### **Chap. III. -- An act to establish an uniform Rule Of Naturalization.(a)**

**Section I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,----** **Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States:** **Provided Also, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed.(a)**  
**Approved, March 26, 1790.**

The actual text of the THIRD CONGRESS in 1795 states:

"...children of citizens of the United States...shall be considered citizens of the United States; ***Provided That the right of citizenship shall not descend to persons, whose fathers have never been resident in the United States...***" (THIRD CONGRESS Session II. Ch.21. 1795, Approved January 29, 1795, pp. 414-415. Document margin note: "How children shall obtain citizenship through their parents" Document margin note: "Former Act repealed 1790".

Naturalization act Approved April 14, 1802. 7 Hill, 137: it was Stated: "***Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States:***"

The 14<sup>th</sup> Amendment and all and every piece of Legislation describing "Citizenship" has stated:

AMENDMENT XIV; § 1.

All persons born or naturalized in the United States, and **subject to the jurisdiction thereof**, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**

**Article III, § 2: of the Constitution:** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, ***and treaties made, or which shall be made***, under their authority;--to all cases **affecting ambassadors, other public ministers and consuls**;--to all cases of admiralty and

maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states; between a state and citizens of another state; between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects

**Article VI, Section 1, clause 3 of the Constitution** This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

**Amendments IX, Construction of Constitution:** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**Amendment X of the Constitution - Powers of the States and People:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It is now therefore established, based on undeniable historical fact, from an unquestionable source, who can and who cannot be a citizen.

*That the right of citizenship shall not descend to persons whose fathers have never resided within the United States:*

### **Court Decisions**

**U.S. Supreme Court:** "[I]n interpreting a statute a court should always turn to one cardinal canon before all others. . . . [C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 112 S. Ct. 1146, 1149 (1992). Indeed, "when the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" 503 U.S. 249, 254;

**U.S. Court of Appeals for the Second Circuit:** "As in all statutory construction cases, we begin with the language of the statute. The first step is to determine whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case." *Barnhart v. Sigmon Coal Co.*, 534 U.S. 438, 450 (2002) "[U]nless otherwise defined, statutory words will be interpreted as taking their ordinary, contemporary, common meaning." *United States v. Piervinanzi*, 23 F.3d 670, 677 (2d Cir. 1994);

Based on the decision in *Wong Kim Ark* para. I. In construing any act of legislation, whether a statute enacted by the legislature or a constitution established by the people as the supreme law of the land,



regard is to be had not only to all parts of the act itself, and of any former act of the same lawmaking power of which the act in question is an amendment, but also to the condition and to the history of the law as previously existing, and in the light of which the new act must be read and interpreted.

A review of these proceedings will be most helpful and informative;

**Congressional Record 110th Congress (2007-2008) JOHN S. McCAIN, III CITIZENSHIP – (Senate - April 30, 2008)**

Mr. BROWN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of **Calendar No. 715, S. Res. 511**

“Whereas such limitations would be inconsistent with the purpose and intent of the “natural born Citizen” clause of the Constitution of the United States, as evidenced by the First Congress's own statute defining the term “natural born Citizen”;  
(the history of the law as previously existing,)

### **Statutes**

**FIRST CONGRESS . Sess.II. Chap. 3. 1790**

**Chap. III. – An act to establish an uniform Rule Of Naturalization.(a)**

The actual text of the FIRST CONGRESS in 1790 states:



***"...children of CITIZENS of the United States that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens of the United States; Provided That the right of citizenship shall not descend to persons, whose fathers have never been resident in the United States..." (FIRST CONGRESS Session II Ch.4 1790, Approved March 26, 1790, pp. 103-104. Document margin***

note: "Their children residing here, deemed citizens." Document margin

note: "Also, children of citizens born beyond sea, & c. Exceptions.")

The actual text of the THIRD CONGRESS in 1795 states,

SEC. 3. And be it further enacted, that the children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization, and the children of citizens of the United States, ***born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: Provided, That the right of citizenship shall not descend to persons, whose fathers have never been resident of the United States.*** (THIRD CONGRESS Session II. Ch.21. 1795, Approved January 29, 1795, pp. 414-415. Document margin note: "How children shall obtain citizenship through their parents" Document margin note: "Former Act repealed 1790"

The actual text of the Eighth CONGRESS in 1802 states,

9.-Sec. 4. That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law

on that subject by the government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years, at the time of their parents' being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States, be considered as citizens of the United States; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States:

10. Provided, That the right of citizenship shall not descend to persons whose fathers have never resided within the United States:

The observation of a repetitive, requirement in all the above “***shall not descend***” should convince any who read this that, although you be born here of a father who is not a citizen, you are not a citizen; this is only the place of your birth. Further it is has to also noted that being born here is not a requirement as citizenship is inherited from our parents (Fathers)[ born out of the limits and jurisdiction]

***The primary author of the citizenship clause, Sen. Jacob M. Howard, said the “word jurisdiction, as here employed, ought to be construed so as to imply a full and complete jurisdiction on the part of the United States, coextensive in all respects with the constitutional power of the United States, whether exercised by Congress, by the executive, or by the judicial department; that is to say, the same jurisdiction in extent and quality as applies to every citizen of the United States now.” United States Attorney General, George Williams, whom was a U.S. Senator aligned with Radical***

Republicans during the drafting of the Fourteenth Amendment in 1866, *ruled in 1873 the word “jurisdiction” under the Fourteenth Amendment “must be understood to mean absolute and complete jurisdiction, such as the United States had over its citizens before the adoption of this amendment.”* He added, *“Political and military rights and duties” do not pertain to anyone else.*

Essentially then, “subject to the jurisdiction thereof” means the same jurisdiction the United States exercises over its own citizens, i.e., only citizens of the United States come within its operation since citizens of the United States do not owe allegiance to some other nation at the same time they do the United States. This makes a great deal of sense for the time because there was a great deal of controversy over conflicts arising from double allegiances. *In fact, Congress issued a joint congressional report on June 22, 1874 that said the “United States have not recognized a double allegiance”.*

”Just as a person cannot be naturalized and subject to the jurisdiction of the United States while owing allegiance to another nation, neither can anyone born. Why would “subject to the jurisdiction thereof” be any different with persons born since this jurisdiction equally applies to persons born or naturalized? In other words, the words do not exempt persons born from the same allegiance requirements of persons naturalized.

House Report No. 784, dated June 22, 1874, stated, *“The United States have not recognized a ‘double allegiance.’ By our law a citizen is bound to be ‘true and faithful’ alone to our government.”* It wouldn’t be practical for the United States to claim a child as a citizen when the child’s natural country of origin equally claims him/her because doing so

could leave the child with two competing legal obligations, e.g., military duty.

**It is worth noting that wives and children were never naturalized separately but became naturalized through the father/husband. Because "subject to the jurisdiction thereof" requires not owing allegiance to any other nation, and because the nation does not recognize double allegiances that can be created at common law, narrows the possibilities to what "natural-born citizen" can mean.**

Extending citizenship to non-citizens through birth based solely upon locality is nothing more than mere municipal law that has no extra-territorial effect as proven from the English practice of it. On the other hand, citizenship by descent through the father is natural law and is recognized by all nations (what nation doesn't recognize citizenship of children born wherever to their own citizens?).

*Thus, a natural-born citizen is one whose citizenship is recognized by law of nations rather than mere local recognition.*

Chairman of the House Judiciary Committee, James F. Wilson of Iowa, confirmed this in 1866: "We must depend on the general law relating to subjects and citizens **recognized by all nations** for a definition, and that must lead us to the conclusion that every person born in the United States is a natural-born citizen of such States, except that of children born on our soil to temporary sojourners or representatives of foreign Governments."\*

When a child inherits the citizenship of their father, they become a natural-born citizen of the nation their father belongs regardless of where they might be born.

It should be pointed out that citizenship through descent of the father was recognized by U.S. Naturalization law whereby children became citizens themselves as soon as their father had become a naturalized citizen, or were born in another country to a citizen father.

Yes, birth is prima facie evidence of citizenship, but only the citizenship of the nation the father is a member.

Reflecting on the above information, we cannot do anything that will violate International Law, or the Sovereign right any Nation has over its citizens.

1. Anyone who is in our country without evidence of legal citizenship and without the express permission from our State Department is here illegally, and is by definition a criminal and by our laws must be deported. Consequently, to not comply with our own Constitutional laws by one or all of our involved elected and appointed law enforcement officials, is the commission of a crime against these United States.
2. We cannot confer citizenship on any individual without their applying or requesting it, and by their formal renouncing of all ties or obligations to the Nation of their Birth, before a Magistrate or Judge. No one in any official capacity can grant United States citizenship to any alien without proper application in accordance with our citizenship, naturalization of aliens' laws. The President,

the Congress, or any other official cannot grant citizenship to any persons, except in accordance with United States Constitutional law. The power of naturalization is Reserved for: Article I, Section 8 of the U.S. Constitution that sets forth the authoritative capacity of Congress. The Congress shall have Power: To establish a uniform Rule of Naturalization, .....throughout the United States;

3. Amnesty: In criminal law, a sovereign act of oblivion or forgetfulness (from Greek *amnestia*, “forgetfulness”) granted by a government, especially to a group of persons who are guilty of (usually political) *crimes in the past*. *It is often conditional upon the group's return to obedience and duty within a prescribed period.*

The power to grant amnesty is not a lawful action of the President or the Congress. The Constitution (Article 2, Section 2) gives the President the power “**to grant reprieves and pardons** **[not amnesty]** for offences against the United States except in cases of impeachment.” Therefore, if the President grants amnesty it is defacto, an Unconstitutional and impeachable Act.

#### Summary:

1. Amnesty is absolution and forgetfulness of an offense whereas a pardon is termed as pity and forgiveness.
2. A pardon is given to individuals; amnesty is given to groups of individuals.
3. Amnesty may be given to persons who have not faced a trial and been convicted. On the contrary, a pardon is given to persons who have

been convicted.

4. Amnesty has been mainly used as a political means to address certain issues of critical national importance.

### **Definition of *REPRIEVE***

1: to delay the punishment of (as a condemned prisoner)

2: to give relief or deliverance to for a time

Article I, Section 8 of the U.S. Constitution sets forth the authoritative capacity of **Congress**. Enumerated Powers of the Congress include:

• Collect taxes • Borrow money • Regulate trade • Establish Bankruptcy codes • Coin money • Establish post offices • Provide a military • Provide a militia • Make all necessary and proper laws • Declare War (forgive nothing)

Art. II, Sec. 2, cl.1:

- Grants the President power to grant Reprieves and Pardons for offenses against the United States, (amnesty is not included)

The powers of the President are “carefully limited” and precisely defined by our Constitution. In Federalist Paper No. 71 (last para), Alexander Hamilton asks...what would be ... feared from an elective magistrate of four years’ duration, with **the *confined* authorities of a President of the United States?**

The answer to Hamilton’s question is this: There would be nothing to fear if Presidents obeyed the Constitution. But they don’t obey it because the idiots in Congress don’t *make* them obey it!

“TREATIES MADE OR SHALL BE MADE”

**CONVENTION ON CERTAIN QUESTIONS RELATING TO  
THE CONFLICT OF NATIONALITY LAWS  
THE HAGUE - 12 APRIL 1930**



**CONSIDERING** that it is of importance to settle by international agreement questions relating to the conflict of nationality laws;

**BEING CONVINCED** that it is in the general interest of the international community to secure that all its members should recognise that every person should have a nationality and should **have one nationality only**;

**RECOGNISING** accordingly that the ideal towards which the efforts of humanity should be directed in this domain **is the abolition of all cases both of statelessness and of double nationality**;

**BEING OF OPINION** that, under the economic and social conditions which at present exist in the various countries, it is not possible to reach immediately a uniform solution of all the above mentioned problems;

**BEING DESIROUS**, nevertheless, as a first step toward this great achievement, of settling in a first attempt at progressive codification, those questions relating to the conflict of nationality laws on which it is possible at the present time to reach international agreement, **HAVE DECIDED** to conclude a Convention and have for this purpose appointed as their Plenipotentiaries:  
[Names of plenipotentiaries not reproduced here.]

**WHO**, having deposited their full powers found in good and due form, **HAVE AGREED AS FOLLOWS:**

## **CHAPTER I**

### **GENERAL PRINCIPLES**

#### **Article 1**

It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is

consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

#### Article 2

Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.

#### Article 3

Subject to the provisions of the present Convention, a person having two or more nationalities may be regarded as its national by each of the States whose nationality he possesses.

### **Naturalization Oath of Allegiance to the United States of America**

#### **Oath**

*"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God."*

Note: In certain circumstances there can be a modification or waiver of the *Oath of Allegiance*. Read Chapter 5 of A Guide to Naturalization for more information.

The principles embodied in the *Oath* are codified in Section 337(a) in the Immigration and Nationality Act (INA), which provides **that all applicants shall take an oath that incorporates the substance of the following:**

1. Support the Constitution;

2. Renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the applicant was before a subject or citizen;
3. Support and defend the Constitution and laws of the United States against all enemies, foreign and domestic;
4. Bear true faith and allegiance to the same; and
5. A. Bear arms on behalf of the United States when required by the law; or  
B. Perform noncombatant service in the Armed Forces of the United States when required by the law; or  
C. Perform work of national importance under civilian direction when required by the law.

The language of the current *Oath* is found in the Code of Federal Regulations Section 337.1 and is closely based upon the statutory elements in Section 337(a) of the INA.

It is necessary to note:

By recognizing birth place for determining citizenship for others in violation of their citizenship laws, we are subject to the same treatment:

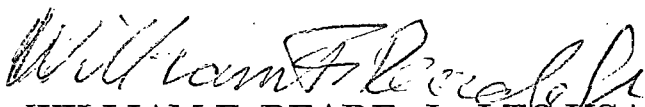
John McCain is Panamanian

Mitt Romney, is Mexican

Rafael Edward Cruz, is Canadian

All Americans born out of this country are citizens of the country where they were born (jus soli).

Sincerely,



WILLIAM F. READE, Jr. LTC USA (ret)

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